

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>April 24, 2018</u>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NICOMEDES FLORES, *a/k/a Pablo*,
and CRISOFORO CAMPOS, *on behalf*
of themselves, FLSA Collective Plaintiffs,
and the Class,

Plaintiffs,

16 Civ. 2233 (KPF)

v.

ORDER

201 WEST 103 CORP., *d/b/a Buchetta*,
IANO CORP., *d/b/a Acqua*, 886
AMSTERDAM AVENUE CORP., *d/b/a Arco*
Cafe, 994 COLUMBUS AVENUE CORP.,
d/b/a Isola, 3143 BROADWAY CORP.,
d/b/a Bettolona, 1600 AMSTERDAM
AVENUE CORP., *d/b/a Coccola*, 412
AMSTERDAM CORP., *d/b/a Bettola*,
SEBASTIANO CAPPITTA, DANIELE FIORI,
and FRANCESCA FIORI,

Defendants.

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KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of the parties' proposed settlement agreement (Dkt. #93). After reviewing the agreement in light of *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), *Lopez v. Nights of Cabiria*, 96 F. Supp. 3d 170 (S.D.N.Y. 2015), and *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332 (S.D.N.Y. 2012), the Court finds that the settlement is fair.

The Court notes that the attorneys' fees, as represented in the parties' letter accompanying the proposed settlement agreement, were calculated using the percentage method and represent one-third of the total settlement amount.

While the Court finds those fees to be reasonable, the Court does not make any finding as to the reasonableness of counsel's hourly rate.

Accordingly, and as requested by the parties, this case is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: April 24, 2018
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge